

Application No. 10/082,492
Reply to Office Action dated September 21, 2004

REMARKS/ARGUMENTS

Applicants have carefully reviewed the Office Action dated September 21, 2004, regarding the above-referenced patent application. Currently claims 21-31 are pending in the application, wherein claims 21-31 have been rejected by the Examiner. Claims 21 and 26 have been amended with this amendment. Support for these amendments may be found, for example, in Figures 2A and 3A. Applicants assert no new matter has been added.

Applicants have amended the specification to update the status of related patent applications. Specifically, a patent has issued for previously co-pending application 09/452,528 and the corresponding patent number has been included in the specification. No new matter has been added with this amendment.

Claims 21, 22, 24, 26 and 28-31 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ham et al., U.S. Patent No. 5,456,667 (hereinafter Ham). Applicants respectfully traverse this rejection. Claims 21 and 26 have been amended to more clearly describe the claimed invention. Applicants assert that Ham fails to teach what is claimed in the claim set.

Ham at least fails to teach an actuator element located proximally to the cage assembly and substantially coaxial about the core wire as claimed in claim 21. The actuator element may be moved between a first position and a second position to urge the cage assembly between a deployment shape and an expanded shape. The actuator may provide uniform axial movement in order to prevent the cage assembly from binding. Ham, on the other hand, teaches a control wire 13 extending through the expandable region 12 to a distal collar 31. This arrangement may result in the distal collar 31 binding with the coil 33 of guidewire 24 due to unevenly distributed forces applied to the distal collar 31 by control wire 13. By providing an actuator coaxial with the core wire and connecting the actuator element to the proximal end of the cage assembly, a uniform force may be applied to the cage assembly; therefore, any binding of the cage assembly may be eliminated. Thus, urging the cage assembly between a deployment shape and an expanded shape may be improved.

Applicants assert that Ham fails to teach what is claimed in claim 21 for at least the reasons stated above. Claim 26 includes similar language claiming an actuator element located proximally to the cage assembly and substantially coaxial about the core wire.

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Applicants believe claims 21 and 26 are presently patentable over the cited art. Claims 22, 24 and 28-31 depend from either claim 21 or 26 and add significant additional elements; therefore, they are also believed to be in condition for allowance.

Claims 23, 24 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ham et al., U.S. Patent No. 5,456,667 (hereinafter Ham). However, after a thorough examination of the rejected claims, it appears as though the Examiner intended to reject claims 23, 25 and 27. The Examiner asserts that Ham discloses the claimed invention except for the tubular member being made from thermoplastic material and the inner coil being made from a radiopaque material. The Examiner states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to make such a design choice. Applicants respectfully traverse this rejection.

In order to establish a prima facie case of obviousness, the cited reference must teach or suggest each and every limitation of the claimed invention. As noted above, Ham fails to teach each element of the invention as claimed in claims 21 and 26. Namely, Ham at least fails to teach an actuator element located proximally to the cage assembly and substantially coaxial about the core wire. Applicants assert that claims 23, 25 and 27 depend from either claim 21 or 26 and add significant additional elements; therefore, claims 23, 25 and 27 are also believed to be in condition for allowance.

Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims, namely claims 21-31, are in condition for allowance as this time. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

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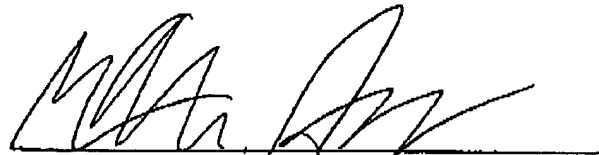
Respectfully submitted,

GENE SAMSON et al.

By their attorney,

Date:

Jan. 7, 2005



Glenn M. Seager, Reg. No. 36,926
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349